

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 8120 of 2005

Between:

R. Mohan Singh, S/o. Manga Naik,
Government S.W. Boys Hostel, Asifabad, Adilabad district.

..... PETITIONER

AND

- 1 The District Collector (S.W.), Adilabad, Adilabad District.
- 2 The Deputy Director of Social Welfare, Adilabad, Adilabad

District.

- 3 The Commissioner and Director of Social Welfare, Telugu

Samkshamam Bhavan, Masab Tank, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders more particularly one in the nature of WRIT OF CERTIORARI calling for the records of the 1st respondent issued in Proc. NO. S1/1649/97, dated 11-2-2000 and the Judgment of the A.P. Administrative Tribunal in O.A.No. 980/2000, dated 20-12-2004 and quash the same and further direct the respondents not to recover any amounts from the pay of the Petitioner.

Counsel for the Petitioner:MR.P.V.SUBRAHMANYA SARMA

Counsel for the Respondents.: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER: (Per Hon'ble Sri Justice G.Bikshapathy, J)

The writ petition is filed challenging the order passed by the A.P.Administrative Tribunal, Hyderabad in O.A.No.980 of 2000, dated 20-12-2004.

2. The petitioner is the applicant before the Tribunal. He challenged the order of punishment dated 11-2-2000 in which he was imposed with the punishment of deferment of one annual grade increment with cumulative effect and for recovery of a sum of Rs.53,044/-. The Tribunal, after considering the matter, confirmed the order of punishment, but, however, in respect of recovery of amounts, the respondents were directed to determine the amount in terms of charge Nos.5 and 6, after giving an opportunity to the petitioner. The said order came to be challenged by the writ petitioner before this Court.

3. The learned counsel for the petitioner submit that the order of punishment is unsustainable in law, inasmuch as the Enquiry Officer held that the charges are not proved, therefore, the punishment is not valid. The learned counsel would also submits that even the mother of the child, who died of Janduce has clearly deposed that the petitioner was not responsible for the death of the boy. On this ground also, the charges cannot be held to be proved.

4. We have heard the learned Government Pleader for respondents.

5. Altogether seven charges were framed against the petitioner and some of the charges were not held to be proved. But for charge Nos.1, 2 & 4 the petitioner was found guilty. It is also seen that there are procedural irregularities in the conduct of enquiry and that the Tribunal clearly found that the procedure as contemplated under the Andhra Pradesh Civil Services (Classification Control and Appeal) Rules

1991 has been followed.

6. Under those circumstances, we do not find any ground to interfere with the order of the Tribunal. Accordingly, the writ petition is dismissed. No costs.

(G.BIKSHAPATHY, J)

(P.S.NARAYANA, J)

Dated:12th April, 2005.

mrh

To

- 1 The District Collector (S.W.), Adilabad, Adilabad District.
- 2 The Deputy Director of Social Welfare, Adilabad, Adilabad District.
- 3 The Commissioner and Director of Social Welfare, Telugu

Samkshamam Bhavan, Masab Tank, Hyderabad.

4. Two CCs to GP for Social Welfare, High Court Buildings,
Hyderabad(OUT).

5. Two CD copies.